

MINUTES
SPECIAL MEETING
ZONING COMMISSION
FEBRUARY 24, 2011 - 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 1

I. ROLL CALL

Present: Cady, French, Hudecek, Marquardt, O'Neill
Absent: Haviland, Sutherland
Staff: Davis, Jones, Murphy, Gilot, Town Attorney Michael Carey

Chairman Hudecek called the meeting to order at 7:02 p.m. and seated Cady for Haviland.

II. APPROVAL OF THE MINUTES OF January 5, 2011

MOTION: To approve the minutes of January 5, 2011 as written.

Motion made by O'Neill, seconded by French. Motion passed unanimously.

III. CONSIDERATION OF PUBLIC HEARING

O'Neill stated that although he missed the second hearing night, he had listened to the audio tapes, viewed the GOSA production (DVD) of the meeting, and talked at length with staff, so he felt qualified to sit at this meeting.

Staff addressed the Chair and advised the Commission that any seated member should have made themselves completely familiar with the record of the hearings to protect the integrity of any Commission decision. Commissioner Cady recused himself from the deliberations, having not familiarized himself with the entire record.

Chairman Hudecek stated that the voting members for the proposed regulations would be: O'Neill, Hudecek, French and Marquardt.

1. Proposed Zoning Regulation Text Amendments

The Chairman opened deliberations and asked staff to address outstanding issues and recommendations.

Staff reviewed the status of the applications. The public hearing was closed January 5, 2011. Staff introduced Deb Jones, the Town environmental planner, and Mr. Carey, Town Attorney. Staff said that recommended draft motion and the latest revisions of the proposed regulations were sent to the Commissioners in their agenda packets. The most recent revision dates were clarified for the Commission.

Commissioner French questioned staff's reference to consistency with the comprehensive plan of zoning in each of the draft motions prepared for the Commission's review, suggesting its elimination. Staff explained the meaning of the term "comprehensive plan" within the context of a regulation amendment process. The Town Attorney and staff reviewed the applicable statutory language and explained to the Commission the appropriateness of this language, advising them that it may not be prudent to eliminate it.

a. Section 2 (Definitions)

Staff said that very few changes were suggested by the Commission or the public. The only change recommended, based on Mr. Trinkhaus' suggestion, was to eliminate the definition of low impact development. The Commission discussed the LID definition. Staff said it was Trinkhaus' opinion that there should not be a definition if there are no standards. Staff had no objections either way.

MOTION: The Town of Groton Zoning Commission hereby modifies and adopts zoning regulation text amendment application #REGA 10-01, Amendments to Section 2 Definitions, pursuant to the following findings and reasons for approval:

1. These definitions are consistent with and implement the Town's 2002 Plan of Conservation and Development and Municipal Coastal Program, with particular regard to the protection of the environment and the enhancement of community character.
2. The modifications proposed with this approval address issues raised during the public hearing process.
3. These definitions are made in accordance with a comprehensive plan and provide reasonable consideration of the environment in accordance with the statutory provisions of CGS 8-2. The State of Connecticut Department of Environmental Protection has reviewed the proposed definitions and has deemed them consistent with applicable provisions of the State's Coastal Zone Management Act.

The effective date of this amendment shall be April 1, 2011.

Motion made by Marquardt, seconded by O'Neill. Motion passed 3 – 1, (French opposed).

b. Section 7.4 (Landscaping, Screening, and Buffer Areas)

Staff categorized the changes and that there were no negative comments received on the amendments. Commissioner French questioned staff's use of the term "enabling". Staff clarified the use of the term "enabling."

MOTION: The Town of Groton Zoning Commission hereby modifies and adopts zoning regulation text amendment application #REGA 10-04, Amendments to Section 7.4, Landscaping, Screening and Buffer Areas, pursuant to the following findings and reasons for approval:

1. These amendments are consistent with and implement the Town's 2002 Plan of Conservation and Development and Municipal Coastal Program, with particular regard to the protection of the environment and the enhancement of community character.
2. These amendments are made in accordance with a comprehensive plan and provide for reasonable consideration of the environment in accordance with the statutory provisions of CGS 8-2. The State of

Connecticut Department of Environmental Protection has reviewed the proposed amendments and has deemed them consistent with applicable provisions of the State's Coastal Zone Management Act.

The effective date of this amendment shall be April 1, 2011.

Motion made by Marquardt, seconded by O'Neill. Motion passed 3 - 1, (French opposed).

c. Section 7.2-13 (Surfacing and Drainage)

Staff suggested eliminating the third paragraph of the proposed regulation in order to eliminate any confusion in terms of how these provisions would relate to the proposed section 6.14. Staff indicated that these changes would still allow the Town to require BMPs and other improvements to existing and proposed parking areas not subject to the new section 6.14 requirements.

MOTION: The Town of Groton Zoning Commission hereby modifies and adopts zoning regulation text amendment application #REGA 10-03, Amendments to Section 7.2-13, Surfacing and Drainage, pursuant to the following findings and reasons for approval:

1. These amendments are consistent with and implement the Town's 2002 Plan of Conservation and Development and Municipal Coastal Program, with particular regard to the protection of the environment and the enhancement of community character.
2. The modifications proposed with this approval address issues raised during the hearing process.
3. These amendments are made in accordance with a comprehensive plan and provide for reasonable consideration of the environment in accordance with the statutory provisions of CGS 8-2. The State of Connecticut Department of Environmental Protection has reviewed the proposed amendments and has deemed them consistent with applicable provisions of the State's Coastal Zone Management Act.
4. This approval shall explicitly exclude the proposed provision in paragraph #3 to avoid confusion over the applicability of section 6.14.

The effective date of this amendment shall be April 1, 2011

Motion made by O'Neill, seconded by Marquardt. Motion passed 3 - 1, (French opposed).

d. Section 6.11 (Erosion and Sediment Control Plan)

Staff explained the additional changes based on DEP's testimony, noting that staff had spend significant additional time making sure all substantive agency and public concerns were addressed.

MOTION: The Town of Groton Zoning Commission hereby modifies and adopts zoning regulation text amendment application #REGA 10-02, Amendments

to Section 6.11 Erosion and Sediment Control Plan, pursuant to the following findings and reasons for approval:

1. These amendments are consistent with and implement the Town's 2002 Plan of Conservation and Development and Municipal Coastal Program, with particular regard to the protection of the environment and the enhancement of community character.
2. These amendments are based upon the State of Connecticut Department of Environmental Protection's Erosion and Sediment Control Guidelines, including appendix "A" of that document (DEP's model erosion and sedimentation control regulation).
3. The modifications proposed with this approval address issues raised during the hearing process.
4. These amendments are made in accordance with a comprehensive plan and provide for reasonable consideration of the environment in accordance with the statutory provisions of CGS 8-2. The State of Connecticut Department of Environmental Protection has reviewed the proposed amendments and has deemed them consistent with applicable provisions of the State's Coastal Zone Management Act.

The effective date of this amendment shall be April 1, 2011

Motion made by O'Neill, seconded by Marquardt. Motion passed 3-1, (French opposed)

e. Section 6.14 (Stormwater Management Plan)

Staff noted that most of the testimony was related to these provisions and explained the relationship of the changes to federal mandates (NPDES/CWA) imposed on the Town and administered through the State DEP. The regulations are consistent with detailed recommendations in the POCD regarding compliance with EPA and DEP policies for storm water management. Staff also briefly reviewed the DEP's testimony and changes made in that regard. Finally, staff noted that it would be possible to address "LID" in some manner in the future, but that this should require an inclusive and collaborative approach involving various stakeholder groups and other Groton zoning jurisdictions. He also noted that staff also clarified with DEP representatives the practical and legal difficulties with including perpetual performance bonds and mandates for municipal drainage easements on private sites.

MOTION: The Town of Groton Zoning Commission hereby modifies and adopts zoning regulation text amendment application #REGA 10-05, New Section 6.14, Storm Water Management Plan, pursuant to the following findings and reasons for approval:

1. These amendments are consistent with and implement the Town's 2002 Plan of Conservation and Development and Municipal Coastal Program, with particular regard to the protection of the environment and the enhancement of community character.

2. These amendments are based upon the State of Connecticut Department of Environmental Protection's 2004 Stormwater Quality Manual and address specific actions recommended in the Plan of Development, including: incorporating stormwater management provisions in the Town's zoning regulations; retrofitting antiquated stormwater systems at and near redeveloped sites; using best management practices; establishing minimum standards for stormwater treatment systems; restricting the clearing of steep slopes; and retrofitting existing stormwater systems.
3. The amendments are necessary to implement the Town's DEP approved NPDES Phase II Stormwater General Permit Registration and to comply with certain requirements of the Town's Stormwater Management Plan. The amendments also build on the recommendations in the POCD that the town adopt relevant parts of the original CTDEP model stormwater management ordinance and implement a town-wide program to enforce EPA's Phase II stormwater regulations.
4. The modifications proposed with this approval address issues raised during the public hearing process and included some limited to formatting.
5. These amendments are made in accordance with a comprehensive plan and provide for reasonable consideration of the environment in accordance with the provisions of CGS 8-2. The State of Connecticut Department of Environmental Protection has reviewed the proposed amendments and has deemed them consistent with applicable provisions of the State's Coastal Zone Management Act.

The effective date of this amendment shall be April 1, 2011.

Motion made by Marquardt, seconded by O'Neill.

Motion passed 3 – 1, 1 opposed (French opposed).

IV. ITEM FOR CONSIDERATION

1. Request for extension of Special Permit #183, Gales Ferry Road

Staff explained Mr. Giordano's request for a two year extension. The special permit was originally approved in 1994, for construction of ponds (fire and fish ponds). Staff said the project is about 75 % complete.

MOTION: To approve a 2-year extension of Special Permit #183, Gales Ferry Road, with the same conditions of the original permit.

Motion made by French, seconded by O'Neill, motion passed unanimously.

V. REPORT OF CHAIRMAN - None

VI. REPORT OF STAFF

The Commission concurred that they would cancel the March 2nd regularly scheduled meeting as there was no new business. The next meeting will be April 6th.

Staff distributed and briefly discussed DEP's comprehensive review of the floodplain regulations. The new flood maps go into effect on July 18, 2011, so staff will recommend scheduling a public hearing in June. Staff hopes to have a draft to the Commission for the April meeting.

Staff handed out the court's decision on GOSA vs. Zoning Commission (Mystic Woods special permit approval), noting that the court upheld the Town's decision and the process applied in making that decision. Staff will find out the cost to the Town of defending this litigation and report that to the Commission at a later time. Attorney Carey said the court's decision was the same for the Inland Wetlands Agency litigation (upheld the Town's approval of the wetland permit).

VII. ADJOURNMENT

Motion to adjourn at 8:55 p.m. made by O'Neill, seconded by French, so voted unanimously.

Richard Haviland, Secretary
Zoning Commission

Prepared by Debra Gilot, Office Assistant III